

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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NICE SYSTEMS, INC. and	)	
NICE SYSTEMS, LTD.,	)	
<i>Plaintiffs,</i>	)	
v.	)	Civil Action No.: 06-311-JJF
WITNESS SYSTEMS, INC.,	)	
<i>Defendant.</i>	)	

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**JOINT MOTION TO DISMISS AND  
MEMORANDUM IN SUPPORT THEREOF**

COME NOW Plaintiffs NICE Systems, Inc. and NICE Systems, Ltd. and Defendant Witness Systems, Inc., to file their Joint Motion to Dismiss and in support thereof would show the Court the following:

The parties have reached an agreement that resolves all issues between them as relates to the matters as asserted in this lawsuit and as part of that agreement, are jointly seeking a DISMISSAL WITH PREJUDICE of all claims and counterclaims between them with each party to incur their respective costs.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that the Court enter the proposed Agreed Order submitted with this Motion.

Dated: August 8, 2008

Respectfully Submitted,

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v.	)	Civil Action No.: 06-311-JJF
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<i>Defendant.</i>	)	

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**[PROPOSED] ORDER ON JOINT MOTION TO DISMISS**

Before the Court is the parties' Joint Motion to Dismiss. After considering the Motion and finding that good cause exists for the granting of same, it is hereby ORDERED that this action is DISMISSED WITH PREJUDICE as to the re-filing of same, that Defendants' counterclaims against Plaintiff are DISMISSED WITH PREJUDICE, and that each party shall bear their own costs and fees.

The Court shall retain jurisdiction over the parties and shall have the authority, among other things, to interpret and enforce the parties' settlement agreement.

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Hon. Joseph J. Farnan, Jr., U.S.D.J